

1-1 By: Fraser, et al. S.B. No. 14  
1-2 (In the Senate - Filed January 12, 2011; January 24, 2011,  
1-3 read first time and referred to Committee of the Whole Senate;  
1-4 January 25, 2011, reported favorably by the following vote:  
1-5 Yeas 20, Nays 12; January 25, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to requirements to vote, including presenting proof of  
1-9 identification; providing criminal penalties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 15, Election Code, is  
1-12 amended by adding Section 15.005 to read as follows:

1-13 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

1-14 (a) The voter registrar of each county shall provide notice of the  
1-15 identification requirements for voting prescribed by Chapter 63 and  
1-16 a detailed description of those requirements with each voter  
1-17 registration certificate issued under Section 13.142 or renewal  
1-18 registration certificate issued under Section 14.001.

1-19 (b) The secretary of state shall prescribe the wording of  
1-20 the notice to be included on the certificate under this section.

1-21 SECTION 2. Subsection (a), Section 15.022, Election Code,  
1-22 is amended to read as follows:

1-23 (a) The registrar shall make the appropriate corrections in  
1-24 the registration records, including, if necessary, deleting a  
1-25 voter's name from the suspense list:

1-26 (1) after receipt of a notice of a change in  
1-27 registration information under Section 15.021;

1-28 (2) after receipt of a voter's reply to a notice of  
1-29 investigation given under Section 16.033;

1-30 (3) after receipt of a registration omissions list and  
1-31 any affidavits executed under Section 63.006 [~~63.007~~], following an  
1-32 election;

1-33 (4) after receipt of a voter's statement of residence  
1-34 executed under Section 63.0011;

1-35 (5) before the effective date of the abolishment of a  
1-36 county election precinct or a change in its boundary;

1-37 (6) after receipt of United States Postal Service  
1-38 information indicating an address reclassification;

1-39 (7) after receipt of a voter's response under Section  
1-40 15.053; or

1-41 (8) after receipt of a registration application or  
1-42 change of address under Chapter 20.

1-43 SECTION 3. Subchapter A, Chapter 31, Election Code, is  
1-44 amended by adding Section 31.012 to read as follows:

1-45 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The  
1-46 secretary of state and the voter registrar of each county that  
1-47 maintains a website shall provide notice of the identification  
1-48 requirements for voting prescribed by Chapter 63 on each entity's  
1-49 respective website. The secretary of state shall prescribe the  
1-50 wording of the notice to be included on the websites.

1-51 (b) The secretary of state shall conduct a statewide effort  
1-52 to educate voters regarding the identification requirements for  
1-53 voting prescribed by Chapter 63.

1-54 SECTION 4. Section 32.111, Election Code, is amended by  
1-55 adding Subsection (c) to read as follows:

1-56 (c) The training standards adopted under Subsection (a)  
1-57 must include provisions on the acceptance and handling of the  
1-58 identification presented by a voter to an election officer under  
1-59 Section 63.001.

1-60 SECTION 5. Subsection (a), Section 32.114, Election Code,  
1-61 is amended to read as follows:

1-62 (a) The county clerk shall provide one or more sessions of  
1-63 training using the standardized training program and materials  
1-64 developed and provided by the secretary of state under Section

2-1 32.111 for the election judges and clerks appointed to serve in  
2-2 elections ordered by the governor or a county authority. Each  
2-3 election judge shall complete the training program. Each election  
2-4 clerk shall complete the part of the training program relating to  
2-5 the acceptance and handling of the identification presented by a  
2-6 voter to an election officer under Section 63.001.

2-7 SECTION 6. Chapter 62, Election Code, is amended by adding  
2-8 Section 62.016 to read as follows:

2-9 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
2-10 POLLING PLACES. The presiding judge shall post in a prominent place  
2-11 on the outside of each polling location a list of the acceptable  
2-12 forms of identification. The notice and list must be printed using  
2-13 a font that is at least 24-point.

2-14 SECTION 7. Section 63.001, Election Code, is amended by  
2-15 amending Subsections (b), (c), (d), and (f) and adding Subsections  
2-16 (g) and (h) to read as follows:

2-17 (b) Except as provided by Subsection (h), on [On] offering  
2-18 to vote, a voter must present to an election officer at the polling  
2-19 place one form of identification listed in Section 63.0101 [the  
2-20 voter's voter registration certificate to an election officer at  
2-21 the polling place].

2-22 (c) On presentation of the documentation required by  
2-23 Subsection (b) [a registration certificate], an election officer  
2-24 shall determine whether the voter's name on the documentation  
2-25 [registration certificate] is on the list of registered voters for  
2-26 the precinct.

2-27 (d) If the voter's name is on the precinct list of  
2-28 registered voters and the voter's identity can be verified from the  
2-29 documentation presented under Subsection (b), the voter shall be  
2-30 accepted for voting.

2-31 (f) After determining whether to accept a voter, an election  
2-32 officer shall return the voter's documentation [registration  
2-33 certificate] to the voter.

2-34 (g) If the requirements for identification prescribed by  
2-35 Subsection (b) are not met, the voter may be accepted for  
2-36 provisional voting only under Section 63.011. For a voter who is  
2-37 not accepted for voting under this section, an election officer  
2-38 shall:

2-39 (1) inform the voter of the voter's right to cast a  
2-40 provisional ballot under Section 63.011; and

2-41 (2) provide the voter with written information, in a  
2-42 form prescribed by the secretary of state, that:

2-43 (A) lists the requirements for identification;

2-44 (B) states the procedure for presenting  
2-45 identification under Section 65.0541;

2-46 (C) includes a map showing the location where  
2-47 identification must be presented; and

2-48 (D) includes notice that even if all procedures  
2-49 are followed, there is no guarantee that a provisional ballot will  
2-50 be accepted.

2-51 (h) The requirements for identification prescribed by  
2-52 Subsection (b) do not apply to a voter who:

2-53 (1) presents the voter's voter registration  
2-54 certificate on offering to vote; and

2-55 (2) was 70 years of age or older on January 1, 2012, as  
2-56 indicated by the date of birth on the voter's voter registration  
2-57 certificate.

2-58 SECTION 8. Subsection (a), Section 63.0011, Election Code,  
2-59 is amended to read as follows:

2-60 (a) Before a voter may be accepted for voting, an election  
2-61 officer shall ask the voter if the voter's residence address on the  
2-62 precinct list of registered voters is current and whether the voter  
2-63 has changed residence within the county. If the voter's address is  
2-64 omitted from the precinct list under Section 18.005(c), the officer  
2-65 shall ask the voter if the voter's residence, if [as] listed, on  
2-66 identification presented by the voter under Section 63.001(b) [the  
2-67 voter's voter registration certificate] is current and whether the  
2-68 voter has changed residence within the county.

2-69 SECTION 9. Chapter 63, Election Code, is amended by adding

3-1 Section 63.0012 to read as follows:

3-2 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO  
 3-3 CERTAIN VOTERS. (a) An election officer shall distribute written  
 3-4 notice of the identification that will be required to vote in  
 3-5 elections held after January 1, 2012, and information on obtaining  
 3-6 identification without a fee under Section 521.422, Transportation  
 3-7 Code, to each voter who, when offering to vote, presents a form of  
 3-8 identification that will not be sufficient for acceptance as a  
 3-9 voter under this chapter beginning with those elections.

3-10 (b) The secretary of state shall prescribe the wording of  
 3-11 the notice and establish guidelines for distributing the notice.

3-12 (c) This section expires September 1, 2013.

3-13 SECTION 10. Section 63.006, Election Code, is amended to  
 3-14 read as follows:

3-15 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT  
 3-16 CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to  
 3-17 vote, presents the documentation required under Section 63.001(b)  
 3-18 [a voter registration certificate indicating that the voter is  
 3-19 currently registered in the precinct in which the voter is offering  
 3-20 to vote], but whose name is not on the precinct list of registered  
 3-21 voters, shall be accepted for voting if the voter also presents a  
 3-22 voter registration certificate indicating that the voter is  
 3-23 currently registered:

3-24 (1) in the precinct in which the voter is offering to  
 3-25 vote; or

3-26 (2) in a different precinct from the one in which the  
 3-27 voter is offering to vote and the voter executes an affidavit  
 3-28 stating that the voter:

3-29 (A)(i) is a resident of the precinct in which the  
 3-30 voter is offering to vote or is otherwise entitled by law to vote in  
 3-31 that precinct; or

3-32 (ii) was a resident of the precinct in which  
 3-33 the voter is offering to vote at the time the information on the  
 3-34 voter's residence address was last provided to the voter registrar;

3-35 (B) did not deliberately provide false  
 3-36 information to secure registration in a precinct in which the voter  
 3-37 does not reside; and

3-38 (C) is voting only once in the election.

3-39 (b) After the voter is accepted, an election officer shall:  
 3-40 (1) indicate beside the voter's name on the poll list  
 3-41 that the voter was accepted under this section; and

3-42 (2) if applicable, enter on the registration omissions  
 3-43 list the precinct of the voter's registration as indicated by the  
 3-44 voter's registration certificate.

3-45 SECTION 11. Section 63.009, Election Code, is amended to  
 3-46 read as follows:

3-47 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.  
 3-48 A [(a) Except as provided by Subsection (b), a] voter who does not  
 3-49 present a voter registration certificate when offering to vote, and  
 3-50 whose name is not on the list of registered voters for the precinct  
 3-51 in which the voter is offering to vote, shall be accepted for  
 3-52 provisional voting if the voter executes an affidavit in accordance  
 3-53 with Section 63.011.

3-54 [(b) If an election officer can determine from the voter  
 3-55 registrar that the person is a registered voter of the county and  
 3-56 the person presents proof of identification, the affidavits  
 3-57 required by Sections 63.007 and 63.008 are substituted for the  
 3-58 affidavit required by Section 63.011 in complying with that  
 3-59 section. After the voter is accepted under this subsection, an  
 3-60 election officer shall also indicate beside the voter's name on the  
 3-61 poll list that the voter was accepted under this section.]

3-62 SECTION 12. Section 63.0101, Election Code, is amended to  
 3-63 read as follows:

3-64 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
 3-65 The following documentation is an acceptable form [as proof] of  
 3-66 photo identification under this chapter:

3-67 (1) a driver's license or personal identification card  
 3-68 issued to the person by the Department of Public Safety that has not  
 3-69 [or a similar document issued to the person by an agency of another

4-1 ~~state, regardless of whether the license or card has] expired;~~  
 4-2 (2) a United States military identification card that  
 4-3 contains the person's photograph that has not expired [~~form of~~  
 4-4 ~~identification containing the person's photograph that establishes~~  
 4-5 ~~the person's identity];~~

4-6 (3) a [~~birth certificate or other document confirming~~  
 4-7 ~~birth that is admissible in a court of law and establishes the~~  
 4-8 ~~person's identity,~~

4-9 [~~(4)]~~ United States citizenship certificate [~~papers]~~  
 4-10 issued to the person that contains the person's photograph; or

4-11 (4) [~~(5)]~~ a United States passport issued to the  
 4-12 person that has not expired [~~+~~

4-13 [~~(6) official mail addressed to the person by name~~  
 4-14 ~~from a governmental entity,~~

4-15 [~~(7) a copy of a current utility bill, bank statement,~~  
 4-16 ~~government check, paycheck, or other government document that shows~~  
 4-17 ~~the name and address of the voter; or~~

4-18 [~~(8) any other form of identification prescribed by~~  
 4-19 ~~the secretary of state].~~

4-20 SECTION 13. Subsections (a) and (b), Section 63.011,  
 4-21 Election Code, are amended to read as follows:

4-22 (a) A person to whom Section 63.001(g) [~~63.008(b)~~] or 63.009  
 4-23 [~~63.009(a)~~] applies may cast a provisional ballot if the person  
 4-24 executes an affidavit stating that the person:

4-25 (1) is a registered voter in the precinct in which the  
 4-26 person seeks to vote; and

4-27 (2) is eligible to vote in the election.

4-28 (b) A form for an affidavit required by this section shall  
 4-29 be printed on an envelope in which the provisional ballot voted by  
 4-30 the person may be placed and must include a space for entering the  
 4-31 identification number of the provisional ballot voted by the person  
 4-32 and a space for an election officer to indicate whether the person  
 4-33 presented a form of identification described by Section 63.0101.  
 4-34 The affidavit form may include space for disclosure of any  
 4-35 necessary information to enable the person to register to vote  
 4-36 under Chapter 13. The secretary of state shall prescribe the form  
 4-37 of the affidavit under this section.

4-38 SECTION 14. Subsection (b), Section 64.012, Election Code,  
 4-39 is amended to read as follows:

4-40 (b) An offense under this section is a felony of the second  
 4-41 [~~third~~] degree unless the person is convicted of an attempt. In  
 4-42 that case, the offense is a state jail felony [~~Class A misdemeanor~~].

4-43 SECTION 15. Subsection (b), Section 65.054, Election Code,  
 4-44 is amended to read as follows:

4-45 (b) A provisional ballot shall shall [~~may~~] be accepted [~~only~~]  
 4-46 if the board determines that, from the information in the affidavit or  
 4-47 contained in public records, the person is eligible to vote in the  
 4-48 election and has not previously voted in that election and the  
 4-49 person meets the identification requirements of Section 63.001(b)  
 4-50 in the period prescribed under Section 65.0541.

4-51 SECTION 16. Subchapter B, Chapter 65, Election Code, is  
 4-52 amended by adding Section 65.0541 to read as follows:

4-53 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
 4-54 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
 4-55 voting under Section 63.011 because the voter does not meet the  
 4-56 identification requirements of Section 63.001(b) may, not later  
 4-57 than the sixth day after the date of the election, present proof of  
 4-58 identification to the voter registrar for examination by the early  
 4-59 voting ballot board.

4-60 (b) The secretary of state shall prescribe procedures as  
 4-61 necessary to implement this section.

4-62 SECTION 17. Section 66.0241, Election Code, is amended to  
 4-63 read as follows:

4-64 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4  
 4-65 must contain:

4-66 (1) the precinct list of registered voters;

4-67 (2) the registration correction list;

4-68 (3) the registration omissions list;

4-69 (4) any statements of residence executed under Section

5-1 63.0011; and

5-2 (5) any affidavits executed under Section 63.006  
5-3 [~~63.007~~] or 63.011.

5-4 SECTION 18. Section 521.422, Transportation Code, is  
5-5 amended by amending Subsection (a) and adding Subsection (d) to  
5-6 read as follows:

5-7 (a) Except as provided by Subsection (d), the [The] fee for  
5-8 a personal identification certificate is:

5-9 (1) \$15 for a person under 60 years of age;

5-10 (2) \$5 for a person 60 years of age or older; and

5-11 (3) \$20 for a person subject to the registration  
5-12 requirements under Chapter 62, Code of Criminal Procedure.

5-13 (d) The department may not collect a fee for a personal  
5-14 identification certificate issued to a person who states that the  
5-15 person is obtaining the personal identification certificate for the  
5-16 purpose of satisfying Section 63.001(b), Election Code, and:

5-17 (1) who is a registered voter in this state and  
5-18 presents a valid voter registration certificate; or

5-19 (2) who is eligible for registration under Section  
5-20 13.001, Election Code, and submits a registration application to  
5-21 the department.

5-22 SECTION 19. Effective January 1, 2012, Sections 63.007 and  
5-23 63.008, Election Code, are repealed.

5-24 SECTION 20. As soon as practicable after the effective date  
5-25 of this section:

5-26 (1) the secretary of state shall adopt the training  
5-27 standards and develop the training materials required to implement  
5-28 the change in law made by this Act to Section 32.111, Election Code;  
5-29 and

5-30 (2) the county clerk of each county shall provide a  
5-31 session of training under Section 32.114, Election Code, using the  
5-32 standards adopted and materials developed to implement the change  
5-33 in law made by this Act to Section 32.111, Election Code.

5-34 SECTION 21. The change in law made by this Act applies only  
5-35 to an offense committed on or after January 1, 2012. An offense  
5-36 committed before January 1, 2012, is covered by the law in effect  
5-37 when the offense was committed, and the former law is continued in  
5-38 effect for that purpose. For purposes of this section, an offense  
5-39 is committed before January 1, 2012, if any element of the offense  
5-40 occurs before that date.

5-41 SECTION 22. State funds disbursed under Chapter 19,  
5-42 Election Code, for the purpose of defraying expenses of the voter  
5-43 registrar's office in connection with voter registration may also  
5-44 be used for additional expenses related to coordinating voter  
5-45 registration drives or other activities designed to expand voter  
5-46 registration. This section expires January 1, 2013.

5-47 SECTION 23. (a) Except as provided by Subsection (b) of  
5-48 this section, this Act takes effect January 1, 2012.

5-49 (b) The changes in law made by Sections 1, 3, 4, 5, 9, 20,  
5-50 and 22 of this Act take effect September 1, 2011.

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